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*Attorneys for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

Appeal No.: _____

**DECLARATION OF KEITH R. MURPHY IN SUPPORT OF
TRUSTEE'S OPPOSITION TO MOTION BY DIANE AND ROGER
PESKIN AND MAUREEN EBEL FOR LEAVE TO APPEAL**

I, Keith R. Murphy, Esq., of full age, hereby declare as follows:

1. I am counsel at the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, Esq., Trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and Bernard L. Madoff (“Madoff”).

2. As an attorney of record, I am fully familiar with this case and the facts set forth herein. I have personal knowledge of the matters stated in this Declaration.

3. I submit this Declaration to place before this Court true and correct copies of documents relevant to the Memorandum of Law of Irving H. Picard, Trustee, In Opposition To The Motion of Diane and Roger Peskin and Maureen Ebel (“Movants”) for Leave to Appeal, dated January 5, 2009, which is being filed simultaneously herewith (“Trustee’s Memorandum”).

4. Attached hereto as Exhibit A is a true and correct copy of the Transcript of Hearing on the First Interim Fee Applications on August 6, 2009.

5. Attached hereto as Exhibit B is a true and correct copy of the Transcript of Hearing on the Second Interim Fee Applications on December 17, 2009.

6. Attached hereto as Exhibit C is a true and correct copy of the “Claims Procedure Order” (as defined in the Trustee’s Memorandum) dated December 23, 2008.

7. Attached hereto as Exhibit D is a true and correct copy of a letter dated November 6, 2009, from counsel for the Movants concerning a Bankruptcy Rule 2004 subpoena.

8. Attached hereto as Exhibit E is a true and correct copy of the Trustee’s letter dated November 11, 2009, to counsel for the Movants in response to the letter in Exhibit D, *supra*.

9. Attached hereto as Exhibit F is a true and correct copy of the *Trustee’s Response to Objection to Second Applications of Trustee and Baker & Hostetler LLP for Allowance of Interim Compensation*, dated December 16, 2009.

Pursuant to 28 U.S.C. § 1746, I hereby declare that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York
January 5, 2009

s/Keith R. Murphy
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